

## TWENTY-FOURTH DAY

(Wednesday, February 13, 1935)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Head
Adamson	Herzik
Aikin	Hodges
Alexander	Hofheinz
Alsup	Holland
Ash	Hoskins
Atchison	Howard
Beck	Huddleston
Bergman	Hunt
Bourne	Hunter
Bradbury	Hyder
Bradford	Jackson
Broyles	James
Burton	Jefferson
Butler of Brazos	Jones of Falls
Butler of Karnes	Jones of Runnels
Cagle	Jones of Shelby
Caldwell	Jones of Wise
Canon	Keefe
Celaya	King
Clayton	Knetsch
Collins	Lange
Colson	Lanning
Cooper	Latham
Cowley	Leath
Craddock	Lemens
Crossley	Leonard
Daniel	Lindsey
Davis	Lotief
Davison of Fisher	Lucas
Davisson	Luker
of Eastland	McCalla
Dickison	McFarland
Dunagan	McKee
Dunlap of Hays	McKinney
Dunlap of Kleberg	Moffett
Duvall	Moore
Dwyer	Morris
England	Morrison
Fain	Morse
Farmer	Newton
Fisher	Nicholson
Fitzwater	Olsen
Fox	Padgett
Frazer	Palmer
Fuchs	Patterson
Gibson	Payne
Glass	Petsch
Good	Pope
Graves	Quinn
Gray	Reader
Greathouse	Reed of Bowie
Hankamer	Reed of Dallas
Hardin	Riddle
Harris of Archer	Roach of Angelina
Harris of Dallas	Roach of Hunt
Hartzog	Roane

Roark	Tarwater
Roberts	Tennyson
Rogers	Thornton
Russell	Tillery
Rutta	Venable
Scarborough	Waggoner
Settle	Walker
Shofner	Wells
Smith	Westfall
Spears	Wood of Harrison
Stanfield	Wood of Montague
Steward	Worley
Stinson	Young
Stovall	Youngblood

## Absent—Excused

Adkins	Hill
Calvert	Jones of Atascosa
Colquitt	Mauritz
Ford	McConnell

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Hill for today, on motion of Mr. Thornton.

Mr. Jones of Atascosa for today, on motion of Mr. Davis.

Mr. Ford for today, on motion of Mr. Jones of Falls.

Mr. Calvert for today, on motion of Mr. Roane.

The following members were granted leaves of absence on account of illness:

Mr. Adkins for today, on motion of Mr. Jones of Falls.

Mr. Mauritz for today, on motion of Mr. Bourne.

Mr. Colquitt for today, on motion of Mr. Collins.

Mr. Lemens for yesterday, on motion of Mr. Shofner.

Mr. McConnell for today on account of death in family, on motion of Mr. Stovall.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Craddock:

H. B. No. 471, A bill to be entitled "An Act amending Article 195, Chap-

ter 2, Title 4, Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Thornton:

H. B. No. 472, A bill to be entitled "An Act to authorize the State Highway Commission of Texas to provide for the removal of bridges obstructing the construction of the Intracoastal Waterway of Louisiana and Texas, and to replace same out of any funds available for that purpose, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Cagle:

H. B. No. 473, A bill to be entitled "An Act amending Article 2842 of the Revised Civil Statutes of Texas, 1925, to provide for the letting of contracts by the State Board of Education to purchase textbooks for intermediate periods, said periods to be terminated upon one year's notice by said State Board of Education to the contractor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Payne:

H. B. No. 474, A bill to be entitled "An Act relating to mining claims and rights, amending Article 5395 of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5397 of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, and providing royalties to be paid the State from minerals produced upon such claims; and amending Article 5397 of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, providing for forfeiture of rights of location or owner of mining claims by the Land Commissioner upon default of payment of any sum due within thirty (30) days after sum is due, or for making false reports or failing or refusing access to records, or knowingly failing or refusing to give correct information, or to furnish Land Office correct reports, etc., and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Dunlap of Kleberg:

H. B. No. 475, A bill to be entitled "An Act providing for payment of the salary of ex-officio superintendent of public instruction in all counties having not less than four thousand nine hundred and nineteen (4,919) and not more than four thousand nine hundred and twenty (4,920) population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Roach of Hunt, Mr. Pope, Mr. Morris, Mr. Hunt, Mr. Hofheinz, Mr. Greathouse, Mr. Roach of Angelina, Mr. Reed of Bowie, Mr. Collins, Mr. Daniel, Mr. Gray, Mr. Lucas, Mr. Davison of Fisher, Mr. Farmer, Mr. Fain, Mr. Young, Mr. Glass, Mr. England, Mr. Lanning, Mr. Jones of Falls, Mr. Hardin, Mr. Alsup, Mr. Hodges, Mr. Reed of Dallas, Mr. Hartzog, Mr. Waggoner, Mr. Butler of Brazos, Mr. Ford, Mr. Fuchs, Mr. Rutta, Mr. Harris of Dallas, Mr. Fitzwater, Mr. Bradbury, Mr. Lotief, Mr. Frazer, Mr. Cooper, Mr. Keefe, Mr. Huddleston, and Mr. Colquitt:

H. B. No. 476, A bill to be entitled "An Act to amend Article 5071, Title 79, Interest, of the Revised Civil Statutes of the State of Texas, 1925, providing that all written contracts which stipulate for a greater rate of interest than ten per cent per annum shall be absolutely void as to principal and interest and unenforceable in any court of law or equity in this State; establishing venue there, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Daniel:

H. B. No. 477, A bill to be entitled "An Act to amend Article 7089, Revised Statutes, 1925, as amended by House Bill No. 381, Regular Session of the Forty-second Legislature, relating to corporate franchise tax reports; providing for salaries and traveling expenses of tax supervisors, repealing all laws and parts of laws in conflict herewith, and especially repealing Section 2 of said House Bill No. 381, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. McKinney:

H. B. No. 478, A bill to be entitled "An Act to amend House Bill No. 19, Chapter 44, page 98, Acts First Called Session, Forty-first Legislature, providing for the compensation and hospitalization under certain conditions of certain employes of the State Penitentiary System, repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. McKinney:

H. B. No. 479, A bill to be entitled "An Act to amend Chapter 212, Sections 3, 5, 8, of the General Laws of the Fortieth Legislature, Regular Session; providing for the reorganization of the Texas Prison Board; fixing their terms of office; providing for their regular meeting place; providing for special meetings and providing for a quorum of the Texas Prison Board; providing for the control of the Texas Prison System by the Texas Prison Board through the general manager selected by the Prison Board, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Petsch:

H. B. No. 480, A bill to be entitled "An Act declaring it unlawful to shoot across any fence enclosing the lands and into the lands of any person without the consent of the owner of such enclosed land, and fixing the punishment."

Referred to Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 481, A bill to be entitled "An Act making it unlawful to tear down, prop open, tear apart, or in any manner destroy any fence or enclosure, other than by means of a fence cutting, and prescribing a punishment."

Referred to Committee on Criminal Jurisprudence.

By Mr. Patterson, Mr. Davis, and Mr. Westfall:

H. B. No. 482, A bill to be entitled "An Act amending Article 8293 of the Revised Civil Statutes of Texas by omitting therefrom certain clauses

which create an uncertainty as to title for a long period of time."

Referred to Committee on Judiciary.

By Mr. Alsup, Mr. England, Mr. Colquitt, Mr. Collins, Mr. Morris, Mr. Fitzwater, Mr. Good, Mr. Westfall, Mr. Davisson of Eastland, and Mr. Burton:

H. B. No. 483, A bill to be entitled "An Act to amend Section 2 of Chapter 44 of the General Laws passed by the Forty-third Legislature at its Regular Session in 1933, so as to provide and impose an occupation or excise tax of five (5) cents on each gallon of motor fuel or fractional part thereof, such tax to be paid upon the first sale, distribution, or use of motor fuel in this State; providing that this Act shall not be construed to repeal any of the provisions of Chapter 44 of the General Laws passed by the Forty-third Legislature at its Regular Session in 1933, it being the intent hereof to amend said chapter so as to impose an occupation or excise tax of five (5) cents on each gallon of motor fuel or fractional part thereof, and that the provisions of this Act shall be construed to be a continuation of all other provisions of said Chapter 44, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Hunt (by request):

H. B. No. 484, A bill to be entitled "An Act amending Article 1459, Chapter 12, Penal Code of the State of Texas, making it a misdemeanor for grooving or drilling the teeth of animals with the intent to defraud."

Referred to Committee on Criminal Jurisprudence.

By Mr. Harris of Dallas (by request), Mr. Stinson, Mr. Colquitt, and Mr. Reed of Dallas:

H. B. No. 485, A bill to be entitled "An Act amending Articles 968 and 970 of the Code of Criminal Procedure, Revised Criminal Statutes of the State of Texas, 1925, by providing that in counties having a population in excess of three hundred thousand (300,000) and does not exceed three hundred and fifty-five thousand (355,000), according to the last preceding Federal Census, inquests shall be held when a person dies and there has been no doctor in attendance available

to sign a death certificate, etc., and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Bradford:

H. B. No. 486, A bill to be entitled "An Act providing that a deplorable condition existing in that area of the State, including in the Counties of Loving, Reeves, Ward, and Pecos, has produced a condition which is declared to be a public calamity, and making a grant of funds to Red Bluff Water Power Control District, to provide funds to construct a large storage reservoir on the Pecos River for irrigation of the lands within such district and the construction of a hydro-electric plant, and providing for the conditions for the payment in handling such funds, the time of payment thereof, and providing all of the net amounts of the annual current State ad valorem taxes that may be collected from the property and from persons in said Counties of Loving, Reeves, Ward, and Pecos, which would otherwise go into the General Revenue Fund of the State of Texas (including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law), and providing that the amount so granted shall not exceed in any one year the total sum of sixty thousand dollars (\$60,000), etc., and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Hartzog (by request):

H. B. No. 487, A bill to be entitled "An Act amending Sections 2, 3, 4, and 6, of Article 4682b, Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, repealing Section 11 of same and renumbering Sections 12, 13, and 14 to conform thereto; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Hartzog (by request):

H. B. No. 488, A bill to be entitled "An Act to amend Article 4860a-14 of Chapter 8a, Title 78, Revised Civil Statutes of Texas, 1925, so as to provide that the solicitors, agents, and/or salesmen of such companies shall be excluded from the provisions of the general laws of Texas with respect to

agents' and solicitors' licenses, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Hartzog (by request):

H. B. No. 489, A bill to be entitled "An Act amending Chapter 10, Title 78, Revised Civil Statutes of Texas, 1925, by adding thereto a new article to be known as Article 4878a, authorizing and making it the mandatory duty of the Board of Insurance Commissioners of Texas to require each and every insurance company, which term shall include capital stock, mutual, and reciprocal companies, inter-exchanges, Lloyd's, and insurance companies of any and every nature and class whether or not specifically named herein, doing business in this State, to make a report of every loss that occurs within the State wherein the property destroyed or damaged is insured by such company against fire, tornado, windstorm, and/or hail, which terms include such insurances as use and occupancy, rental, leasehold, demolition, improvements, and betterments, and any and every other form of insurance protection whether herein specifically named or not, in such manner and upon such forms as are herein prescribed, etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Hartzog (by request):

H. B. No. 490, A bill to be entitled "An Act amending Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, by adding a new article to be known as Article 4862c, to provide that all insurance companies, whether specifically named or not, issuing or delivering any form of insurance policy in this State, other than fire, tornado, windstorm, hail, workmen's compensation, or automobile insurance policies, shall file with the Commissioner its classification of risks and premium rates or schedules, etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Hofheinz, Mr. Howard, Mr. Holland, and Mr. Morse:

H. B. No. 491, A bill to be entitled "An Act providing for a civil service commission in cities having a popula-

tion of more than 290,000, and in counties having a population of more than 350,000, both according to the Federal Census last preceding; establishing a method for the election of the members of said commission; fixing the terms of office of said members, and providing for the functioning of said commission; providing for a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of individuals appointed in and employed by said cities and counties, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Leath, Mr. Keefe, Mr. Scarborough, Mr. Lanning, Mr. Head, and Mr. Morse:

H. B. No. 492, A bill to be entitled "An Act to amend Section 75 of Article 2696 of the Revised Statutes of Texas, relating to the transfers of children from an independent school district or other school districts in any county, to some other independent district or other district in the same county, and providing that the per capita apportionment shall be paid by the State Treasurer to the independent school district to which the child is transferred, or to the county superintendent in all other districts, to be distributed by said county superintendent, and providing for an appeal from the acts of the county superintendent to the county board of trustees in all cases when an independent or other district shall be dissatisfied with the action of the county superintendent in the transfers made by said county superintendent."

Referred to Committee on Education.

By Mr. Farmer:

H. B. No. 493, A bill to be entitled "An Act requiring counties and cities, when petitioned in writing by fifty (50) or more property tax-paying voters, to order an election for the cancellation of any unsold road or improvement bonds issued prior to January 1, 1931, or remaining unsold for a period of five (5) years or more after authorization; regulating the holding of such elections; providing that a majority vote of the tax-

payers voting in such election shall operate to cancel said bonds, etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Tillery and Mr. Glass:

H. B. No. 494, A bill to be entitled "An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1935 at the several State institutions of higher learning in the State of Texas; authorizing the expenditure by said institutions of certain additional amounts from fees collected from summer school students; and fixing the amount of admission, matriculation, and tuition fees for said institutions, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Craddock:

H. B. No. 495, A bill to be entitled "An Act amending Article 689, Penal Code of Texas, 1925, as amended by Acts of 1931, Forty-second Legislature, page 233, Chapter 138, Section 1, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

#### APPOINTMENTS ON STANDING COMMITTEES

The Speaker announced the appointment of the following members to serve temporarily on the Standing Committees, where vacancies occur by reason of the resignation of Mrs. Hughes:

State Affairs: Mr. James.

Constitutional Amendments: Mr. Pope.

Privileges, Suffrage, and Elections: Mr. Cagle.

State Eleemosynary and Reformatory Institutions: Mr. Fisher.

Public Lands and Buildings: Mr. McKinney.

#### ADDITIONAL SIGNERS OF HOUSE BILLS

By unanimous consent of the House, the following were authorized to sign bills, as follows:

Mr. Huddleston: House Bill No. 183.

Mr. McKee: House Bill No. 202.

# MOTION TO PRINT HOUSE BILL NO. 160

Mr. Hardin moved that House Bill No. 160, reported adversely with a minority favorable report, be printed.

The motion was lost.

## BILL ORDERED PRINTED

Mr. Shofner moved that House Bill No. 163, reported adversely, with a minority favorable report, be printed.

Question recurring on the motion by Mr. Shofner, yeas and nays were demanded.

The motion prevailed by the following vote:

### Yeas—96

Aikin	Jones of Runnels
Ash	Jones of Shelby
Atchison	Jones of Wise
Bourne	Keefe
Broyles	King
Burton	Knetsch
Butler of Karnes	Lanning
Cagle	Latham
Canon	Leath
Celaya	Lemens
Colson	Lindsey
Cooper	Lotief
Craddock	Lucas
Daniel	Luker
Davis	McCalla
Davisson	McFarland
of Eastland	McKee
Dickison	McKinney
Dwyer	Moore
England	Morrison
Fain	Olsen
Farmer	Padgett
Fisher	Palmer
Fitzwater	Patterson
Fox	Payne
Frazer	Pope
Gibson	Quinn
Glass	Reader
Good	Roach of Angelina
Graves	Roach of Hunt
Gray	Roane
Greathouse	Roark
Hardin	Rutta
Harris of Archer	Scarborough
Hartzog	Settle
Head	Shofner
Herzik	Spears
Hodges	Stanfield
Hofheinz	Steward
Hoskins	Stovall
Howard	Tennyson
Huddleston	Tillery
Hunt	Venable
Hyder	Walker
James	Wells
Jones of Falls	Westfall

Wood of Harrison Young  
Wood of Montague Youngblood  
Worley

### Nays—26

Adamson	Hunter
Alexander	Jackson
Alsup	Moffett
Bergman	Morris
Butler of Brazos	Nicholson
Caldwell	Reed of Bowie
Clayton	Reed of Dallas
Cowley	Rogers
Dunagan	Russell
Dunlap of Hays	Stinson
Duvall	Tarwater
Hankamer	Thornton
Harris of Dallas	Waggoner

### Present—Not Voting

Bradford Newton

### Absent

Beck	Jefferson
Bradbury	Lange
Collins	Leonard
Crossley	Morse
Davison of Fisher	Petsch
Dunlap of Kleberg	Riddle
Fuchs	Roberts
Holland	Smith

### Absent—Excused

Adkins	Hill
Calvert	Jones of Atascosa
Colquitt	Mauritz
Ford	McConnell

## INVITING THE KEYES QUAD- RUPLETS TO VISIT THE HOUSE

Mr. Cagle offered the following resolution:

Whereas, The Keyes quadruplets of Hollis, Oklahoma, who are now students in Baylor University, will be in Austin on Friday, February 15, 1935; and

Whereas, The father and mother of these young ladies can boast of a record that has been excelled only by one known father and mother; and

Whereas, The Keyes sisters are young women of unusual charm and grace, and since they are talented musicians; now, be it

Resolved by the House of Representatives of the State of Texas, That Mary, Leota, Mona, and Roberta Keyes be, and are hereby, invited to visit the House at 10 o'clock Friday morning, February 15, 1935, and to render, for the pleasure and inspira-

tion of the members of the House, a musical selection of their own choosing.

CAGLE,  
JONES of Falls.

The resolution was read second time, and was adopted.

ADDRESS BY HON. BEN  
WOODALL

Mr. Wood of Harrison offered the following resolution:

Whereas, There is now on the floor of the House a young man of sterling character, who now serves his people in the office of district attorney of one of the counties of East Texas, and has formerly served his people in the House of Representatives of the Fortieth and Forty-first Legislatures; and

Whereas, He has many friends who served with him who are now serving in this session; therefore, be it

Resolved, That the Hon. Ben Woodall of Harrison County be invited to address members of this House at some convenient time, and that he especially be requested to recite that old familiar poem of "Casey at the Bat."

WOOD of Harrison,  
GIBSON,  
LATHAM.

The resolution was read second time, and was adopted.

In accordance with the above action, Speaker Stevenson presented Hon. Harry Graves, who in turn introduced Hon. Ben J. Woodall of Harrison County.

Mr. Woodall then addressed the House, and recited "Casey at the Bat."

GRANTING HON. F. P. ADAMS  
PERMISSION TO LEAVE  
THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 15, Granting Hon. F. P. Adams permission to leave the State.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That Hon. F. P. Adams, Judge of the First Judicial District Court of Texas, be, and he is hereby, granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit

and proper during the years 1935 and 1936, taking into consideration the condition of the docket of said court.

The resolution was read second time, and was adopted.

INVITING HON. HAL H. SEVIER  
TO ADDRESS THE  
LEGISLATURE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 16, Inviting the Hon. Hal H. Sevier, Minister to Chile, to address the Legislature.

Whereas, The Hon. Hal H. Sevier, Minister to Chile, has accepted an invitation to address a Joint Session of the Legislature and will be in Austin on Tuesday, February 12, 1935; now, therefore, be it

Resolved by the Senate, the House concurring, That the House and Senate hold a Joint Session at 11 a. m., Tuesday, February 12, 1935, for the purpose of hearing the address of Hon. Hal H. Sevier; be it further

Resolved, That the Speaker of the House and the Lieutenant Governor be, and they are hereby, instructed to each appoint three members of their respective bodies for the purpose of making arrangements, and escorting the speaker to the House.

The resolution was read second time.

Mr. Spears offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 16 by striking out the words "Tuesday, February 12," and inserting in lieu thereof the words "Friday, February 15."

The amendment was adopted.

The resolution, as amended, was then adopted.

TO AMEND SECTION 17 OF RULE  
IX OF THE HOUSE RULES

The Speaker laid before the House, for consideration at this time, resolution providing an amendment to Section 17, of Rule IX, of the House Rules;

The resolution having heretofore been read second time and referred to the Committee on Rules;

The Committee on Rules having recommended the adoption of the resolution.

Mr. Russell offered the following amendment to the resolution:

Amend the resolution as follows: "Any member who talks on a bill on which he is not a signer shall take the prescribed oath."

Mr. Quinn raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the resolution.

The Speaker sustained the point of order.

Mr. Morse offered the following amendment to the resolution:

Amend the resolution to provide: "That the Speaker shall be authorized to employ sufficient shorthand court reporters to attend all committee meetings, and to further provide that an accurate record be kept of each and every statement made under oath."

Mr. Moffett moved the previous question on the pending amendment, amendments on the Speaker's desk, and the resolution, and the main question was ordered.

Mr. Quinn raised a point of order on further consideration of the amendment by Mr. Morse, on the ground that the amendment is not germane to the resolution.

The Speaker overruled the point of order.

Question recurring on the amendment by Mr. Morse, it was lost.

Mr. Canon offered the following amendment to the resolution:

Amend the resolution in the oath after the word "correct" and insert "to the best of my knowledge and belief."

The amendment was adopted.

Mr. Pope offered the following amendment to the resolution:

Amend the resolution by adding after the word "individual," in last line of "resolving clause," the following: "other than members of the Legislature."

The amendment was adopted.

Mr. Worley offered the following amendment to the resolution:

Amend the resolution to provide: "That everyone, except members, who shall speak before any committee of the House shall do so under oath."

The amendment was adopted.

Question recurring on the resolution as amended, yeas and nays were demanded.

The resolution was lost (not receiving the necessary two-thirds vote) by the following vote:

#### Yeas—73

Aikin	Jefferson
Alexander	Jones of Falls
Atchison	Jones of Wise
Beck	Lanning
Bradbury	Lemens
Broyles	Lotief
Butler of Brazos	Lucas
Cagle	Moffett
Canon	Morris
Celaya	Nicholson
Clayton	Olsen
Colson	Palmer
Craddock	Patterson
Davis	Pope
Davison of Fisher	Quinn
Davisson	Reader
of Eastland	Reed of Bowie
Dickison	Reed of Dallas
Dunlap of Hays	Roach of Angelina
Dwyer	Roach of Hunt
Fain	Roark
Fitzwater	Roberts
Fox	Rutta
Gibson	Shofner
Glass	Smith
Good	Spears
Greathouse	Stanfield
Hardin	Steward
Harris of Archer	Tarwater
Hartzog	Tillery
Herzik	Venable
Hodges	Walker
Hoskins	Wells
Huddleston	Westfall
Hunter	Wood of Harrison
Hyder	Worley
James	Youngblood

#### Nays—46

Adamson	Head
Alsup	Howard
Bergman	Jackson
Bourne	Jones of Runnels
Bradford	Keefe
Burton	King
Butler of Karnes	Knetsch
Collins	Leath
Cowley	Lindsey
Crossley	Mauritz
Daniel	McCalla
Dunagan	McFarland
Farmer	McKinney
Fisher	Morrison
Frazer	Morse
Graves	Padgett
Gray	Payne
Harris of Dallas	Petsch



Riddle	Stovall
Rogers	Thornton
Russell	Waggoner
Scarborough	Wood of Montague
Stinson	Young

## Present—Not Voting

Colquitt	Newton
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## Absent

Ash	Jones of Shelby
Caldwell	Lange
Cooper	Latham
Dunlap of Kleberg	Leonard
Duvall	Luker
England	McKee
Fuchs	Moore
Hankamer	Roane
Hofheinz	Settle
Holland	Tennyson
Hunt	

## Absent—Excused

Adkins	Hill
Calvert	Jones of Atascosa
Ford	McConnell

Mr. Dunagan moved to reconsider the vote by which the resolution was lost and to table the motion to reconsider.

The motion to table prevailed.

### PROPOSING AN AMENDMENT TO THE JOINT RULES

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 18, by Mr. Fain, proposing an amendment to Rule 20 of the Joint Rules;

The resolution having heretofore been read second time and referred to the Committee on Rules;

The Committee on Rules having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

### MEMORIALIZING CONGRESS IN REGARD TO PUBLIC IMPROVEMENTS

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 20, by Mr. Farmer, memorializing Congress in regard to public improvements;

The resolution having heretofore been read second time and referred to the Committee on Federal Relations;

The Committee on Federal Relations having recommended the adoption of the resolution.

Mr. Greathouse moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—69

Adamson	Hunter
Aikin	Jackson
Ash	James
Atchison	Jones of Runnels
Bergman	Knetsch
Bourne	Lange
Butler of Karnes	Lanning
Cagle	Latham
Caldwell	Leath
Canon	Mauritz
Celaya	McCalla
Clayton	McFarland
Colson	McKinney
Cooper	Morris
Crossley	Morse
Daniel	Padgett
Davisson	Payne
of Eastland	Petsch
Dunagan	Pope
Dunlap of Hays	Reader
Dwyer	Reed of Dallas
England	Riddle
Fisher	Roach of Hunt
Gibson	Roark
Graves	Rogers
Gray	Russell
Greathouse	Rutta
Hankamer	Settle
Harris of Dallas	Stanfield
Hartzog	Steward
Hodges	Stinson
Hofheinz	Waggoner
Holland	Walker
Hoskins	Wells
Howard	Wood of Montague

## Nays—42

Alsup	Hardin
Beck	Huddleston
Bradbury	Jones of Wise
Broyles	Keefe
Burton	King
Collins	Lemens
Cowley	Lindsey
Craddock	Lucas
Davison of Fisher	Moffett
Fain	Morrison
Farmer	Nicholson
Fitzwater	Olsen
Frazer	Palmer
Fuchs	Patterson
Glass	Reed of Bowie

Roach of Angelina	Tillery
Roberts	Venable
Scarborough	Westfall
Stovall	Wood of Harrison
Tarwater	Worley
Tennyson	Youngblood

**Present—Not Voting**

Bradford	Jones of Falls
Head	Newton

**Absent**

Alexander	Jones of Shelby
Butler of Brazos	Leonard
Davis	Lotief
Dickison	Luker
Dunlap of Kleberg	McKee
Duvall	Moore
Fox	Quinn
Good	Roane
Harris of Archer	Shofner
Herzik	Smith
Hunt	Spears
Hyder	Thornton
Jefferson	Young

**Absent—Excused**

Adkins	Hill
Calvert	Jones of Atascosa
Colquitt	McConnell
Ford	

**RELATIVE TO THE AGRICULTURAL ADJUSTMENT ACT**

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 30, by Mr. Venable, relative to the Agricultural Adjustment Act;

The resolution having heretofore been read second time and referred to the Committee on Agriculture;

The Committee on Agriculture having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

**SENATE BILL NO. 154 ON SECOND READING**

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 154, A bill to be entitled "An Act amending Sections 3, 4, 6, 9, and 12, of Chapter 13, Acts of the Second Called Session of the Forty-first Legislature, creating the Brazos River Conservation and Reclamation District under the authority of Section 59 of Article XVI of the Constitution of Texas and defining powers and duties of said district, and declaring an emergency."

The bill was read second time.

Question—Shall Senate Bill No. 154 pass to third reading?

**LEAVE OF ABSENCE GRANTED**

Sam Hanna, Assistant Reading Clerk, was today, by unanimous consent of the House, granted leave of absence for one month, same to be without pay.

**RECESS**

On motion of Mr. Fain, the House, at 12:10 o'clock p. m., took recess to 10 o'clock a. m., tomorrow.

**APPENDIX****STANDING COMMITTEE REPORTS**

The following committees have filed favorable reports on bills and resolutions, as follows:

Constitutional Amendments: House Joint Resolution No. 5.

Criminal Jurisprudence: House Bill No. 127.

Highways and Motor Traffic: House Bill No. 460.

Insurance: House Bills Nos. 312, 313, 314, and 345.

Public Health: House Bills Nos. 189 and 329.

Public Lands and Buildings: House Bill No. 19.

Revenue and Taxation: House Bill No. 106.

State Affairs: House Bills Nos. 128 and 139.

The Committee on Highways and Motor Traffic filed an adverse report, with a minority favorable report, on House Bill No. 160.

**REPORTS OF THE COMMITTEE ON ENGROSSED BILLS**

Committee Room,

Austin, Texas, February 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 404, A bill to be entitled "An Act providing that the Supreme Court of the State of Texas shall have original jurisdiction in the matter of

issuing the writ of mandamus or any other mandatory or compulsory writ or process to compel the performance by any judge of a district court in this State of any duty imposed upon him or them, respectively, by the Constitution, and laws of this State, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

CANON, Vice-Chairman.

Committee Room,

Austin, Texas, February 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 417, A bill to be entitled "An Act making appropriations to pay salaries to judges, and for the support and maintenance of the judicial department of the State Government for the two (2) year period beginning September 1, 1935, and ending August 31, 1937; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury, and that certain fees be retained by said clerks or officers as additional compensation for their services, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

CANON, Vice-Chairman.

Committee Room,

Austin, Texas, February 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 232, A bill to be entitled "An Act regulating petitions in suits for divorce, to require such petitions to state whether there are children under sixteen years of age, and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into the status of such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen years of age; to determine and fix the amounts to be paid, the times of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of the parents to support their children under sixteen years of age, after divorce, presenting the procedure, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

CANON, Vice-Chairman.

Committee Room,

Austin, Texas, February 12, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 201, A bill to be entitled "An Act repealing Article 307 of the Revised Civil Statutes of Texas, 1925; further providing that said Act shall be effective on and after July 1, 1937,"

Has carefully compared same, and finds it correctly engrossed.

CANON, Vice-Chairman.

## In Memory of Mrs. Mary J. Taylor

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Mr. Stovall offered the following resolution:

Whereas, The All Wise Ruler of the Universe, in His wisdom, has seen fit to remove from the walks of life, Mrs. Mary J. Taylor, on the eleventh day of February, 1935, in her eighty-seventh year; and

Whereas, The deceased was a member of one of the earliest pioneer families of Palo Pinto County, having resided there since 1855; and

Whereas, She was a grandmother of our fellow member, J. Carroll McConnell; and

Whereas, She had contributed largely to the support of social conditions in her home community; and

Whereas, She had lived in that community from the days when the hills were traversed by Indians and buffalo; and

Whereas, She had contributed freely and lovingly of her gracious motherly qualities to making that portion of West Texas a better place in which to live; therefore, be it

Resolved, That when the House stands adjourned on this day it shall be in memory of Mrs. Mary J. Taylor, and in tribute to her worthiness as a Texas mother that a page of the Journal be dedicated to her memory and copies of this resolution be forwarded to the members of her family.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Fain, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.